



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

### **REDEVELOPMENT AGENCY**

Dennis Kennedy, Chairperson  
Greg Sellers, Vice-Chairperson  
Larry Carr, Agency Member  
Hedy L. Chang, Agency Member  
Steve Tate, Agency Member

### **COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Greg Sellers, Mayor Pro Tempore  
Larry Carr, Council Member  
Hedy Chang, Council Member  
Steve Tate, Council Member

**WEDNESDAY, OCTOBER 27, 2004**

### **AGENDA**

### **JOINT MEETING**

### **REDEVELOPMENT AGENCY REGULAR MEETING**

**and**

### **CITY COUNCIL SPECIAL MEETING**

**7:00 P.M.**

***A Special City Council Meeting Is Called at 7:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.***

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**Dennis Kennedy, Mayor**

### **CALL TO ORDER**

(Chairperson/Mayor Kennedy)

### **ROLL CALL ATTENDANCE**

(Agency Secretary/City Clerk Torrez)

### **DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(Agency Secretary/City Clerk Torrez)

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**RECOGNITIONS**

Nancy Howe, Morgan Hill Community Librarian  
*Mayor Kennedy*

**CITY COUNCIL SUBCOMMITTEE REPORTS**

**OTHER REPORTS**

Finance & Audit Committee Quarterly Report  
*City Treasurer Roorda*

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***Redevelopment Agency Action***

**CONSENT CALENDAR:**

**ITEM 1**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

1.        **SEPTEMBER 2004 REDEVELOPMENT AGENCY FINANCE & INVESTMENT REPORT..... 1**  
          **Recommended Action(s): Accept and File Report.**

## City Council Action

### CONSENT CALENDAR:

#### ITEMS 2-11

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
2.	<b><u>CONDUCT OF SPECIAL RUNOFF ELECTION IN THE EVENT OF A TIE VOTE(S)</u></b> ..... <u>Recommended Action(s):</u> <b><u>Adopt</u></b> Resolution, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at any Municipal Election.	11
3.	<b><u>SEPTEMBER 2004 CITY OF MORGAN HILL FINANCE &amp; INVESTMENT REPORT</u></b> ..... <u>Recommended Action(s):</u> <b><u>Accept</u></b> and <b><u>File</u></b> Report.	15
4.	<b><u>APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR FLOW MONITORING FOR TRUNK SEWER DESIGN</u></b> ..... <u>Recommended Action(s):</u> <b><u>Approve</u></b> the Proposal from V & A Consultants for a Not-to-Exceed Fee of \$51,500 for Flow Monitoring and Authorize the City Manager to Execute a Professional Services Agreement on Behalf of the City, Subject to Review and Approval of the City Attorney.	41
5.	<b><u>RESOLUTION SUPPORTING GRANT APPLICATION FOR ENVIRONMENTAL ENHANCEMENT AND MITIGATION FUNDS FOR BUTTERFIELD LINEAR PARK EXTENSION</u></b> ..... <u>Recommended Action(s):</u> <b><u>Adopt</u></b> Resolution Supporting the Grant Application for the Butterfield Linear Park Extension Project for the Environmental and Enhancement Mitigation (EEMP) 2005-2006 Funding Cycle.	49
6.	<b><u>AWARD OF SIGNING AND STRIPING FOR CLASS II BIKEWAYS PROJECT</u></b> ..... <u>Recommended Action(s):</u> 1. <b><u>Award</u></b> Contract to Linear Options Inc. for the Construction of the Signing and Striping for Class II Bikeways Project In The Amount Of \$52,230. 2. <b><u>Authorize</u></b> Expenditure Of Construction Contingency Funds Not To Exceed \$5,223. 3. <b><u>Appropriate</u></b> \$40,000 From The Current Year Un-Appropriated Street Fund (202) Balance To Cover Non-Grant Related Costs Associated With This Project.	55
7.	<b><u>AWARD JACKSON OAKS BOOSTER STATION REHABILITATION PROJECT</u></b> ..... <u>Recommended Action(s):</u> 1. <b><u>Appropriate</u></b> \$40,000 from the Current Year Unappropriated Water Fund Balance (653) into CIP Project Number 610093; 2. <b><u>Award</u></b> Contract to Trinet Construction, Inc. for the Construction of the Jackson Oaks Booster Station Rehabilitation Project in the Amount of \$1,026,025; and 3. <b><u>Authorize</u></b> Expenditure of Construction Contingency Funds not to Exceed \$102,602.	61
8.	<b><u>YMCA FRIENDLY INN LEASE AND SENIOR CENTER OPERATOR CONSULTANT AGREEMENTS</u></b> ..... <u>Recommended Action(s):</u> <b><u>Authorize</u></b> the City Manager to Execute a Contract in the Amount of \$75,000 for the Operation of the Senior Center and Enter into a One Year Extension Lease with the YMCA of Santa Clara Valley for the use of the Friendly Inn.	65

	<b>Time Estimate</b>		<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>		
9.	<b><u>INTERIM USE PERMIT, UP- 04-07: DEPOT-DAYWORKER CENTER</u></b> .....		79
	<b><u>Recommended Action(s): Adopt</u></b> Exit Plan by Minute Action.		
10.	<b><u>COMMUNITY &amp; CULTURAL CENTER AND PLAYHOUSE PROPOSED CHANGES IN SELECTED RENTAL POLICIES AND RATES</u></b> .....		91
	<b><u>Recommended Action(s): Direct</u></b> Staff to Incorporate the Proposed Changes to Non-Profit Rental Use, Rental Rates, and Policies as Outlined in the Staff Report.		
11.	<b><u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 13, 2004</u></b> .....		99

## *City Council Action*

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
12.	<b>15 Minutes</b>	<b><u>MORGAN HILL LIBRARY ALTERNATE PROJECT DELIVERY MODEL</u></b> .....	111
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- 1. <b><u>Receive</u></b> Report. Action- 2. <b><u>Authorize</u></b> City Staff to Wait to Proceed Until Results of State Library Bond Have Been Received. Action- 3. If Council Prefers the Multiple-Prime Approach, <b><u>Authorize</u></b> Staff to Prepare a Request for Qualification (RFQ) for Construction Management Services.	

## *Redevelopment Agency Action*

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
13.	<b>20 Minutes</b>	<b><u>FUNDING RECOMMENDATION AND DRAFT OF NEW STRATEGIC VISION FOR LIBRARY PROJECT FROM LIBRARY COMMISSION, AND FRIENDS OF THE LIBRARY RESOLUTION</u></b> .....	123
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Receive</u></b> Letter from Library Commission Requesting the following actions: a) <b><u>Allocate</u></b> Remaining \$1,289,147 in Available RDA Funds to Construction of a New 28,000 Square Foot Library; b) <b><u>Place</u></b> Construction of the New library at the Highest Priority of Construction Projects; c) <b><u>Direct</u></b> Staff to Develop a Detailed Construction Plan for the New Library by December 31, 2004; and 2. <b><u>Receive</u></b> Presentation from Library Commission on Draft of New Strategic Vision for Library; and 3. <b><u>Receive</u></b> Resolution from the Friends of the Morgan Hill Library Recommending that the Library Project Move Forward Immediately.	

## ***City Council Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
14.	10 Minutes	<b><u>REQUEST TO APPROVE THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS BY THE INDEPENDENT CITIES LEASE FINANCE AUTHORITY (ICLFA) ON BEHALF OF MILLENNIUM HOUSING</u></b> .....	139
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Adopt</u></b> Resolution.	

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
15.	20 Minutes	<b><u>DOWNTOWN AREA BUILDING ALLOTMENT</u></b> .....	143
		<b><u>Recommended Action(s): Council Discretion.</u></b>	
16.	20 Minutes	<b><u>AQUATICS CENTER OPERATING BUDGET AND SCHEDULE</u></b> .....	155
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Approve</u></b> the Proposed Year-Round Operating Schedule for the Aquatics Center; 2. <b><u>Accept</u></b> the Projected Budget for the Remainder of Fiscal Year 2004-2005; and 3. <b><u>Direct</u></b> Staff to Return to Council in Three Months with a Progress Report Regarding Operational Budget Recovery.	

## ***Redevelopment Agency Action and City Council Action***

### **CLOSED SESSION:**

1.  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 2

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**